

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARSHALL FREIDUS and EDWARD P. ZEMPRELLI, :
Individually and on Behalf of All Others Similarly : 09 Civ. 1049 (LAK)
Situated, : and consolidated cases
Plaintiffs, : 09 Civ. 1284 (LAK)
: 09 Civ. 1410 (LAK)
- against - : 09 Civ. 1820 (LAK)
: 09 Civ. 2667 (LAK)
ING GROEP N.V., et al., : 09 Civ. 3066 (LAK)
Defendants. :
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NOTICE OF MOTION TO DISMISS

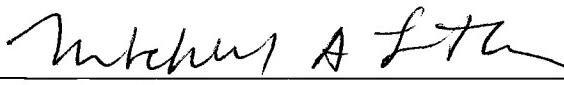
PLEASE TAKE NOTICE that upon the attached Declaration of Mitchell A. Lowenthal, Esq., dated November 5, 2009, the exhibits attached thereto, and the attached Memorandum of Law in Support of Defendants' Motion to Dismiss the Consolidated Amended Complaint, and upon all the pleadings heretofore filed in this action, Defendants ING Groep N.V., ING Financial Holdings Corp., ING Financial Markets LLC, UBS Securities LLC, Citigroup Global Markets Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated, Wachovia Capital Markets, LLC, Morgan Stanley & Co. Incorporated, Banc of America Securities LLC, RBC Capital Markets Corporation, J.P. Morgan Securities Inc., Credit Suisse Securities (USA) LLC, HSBC Securities (USA) Inc., ABN AMRO Incorporated, and A.G. Edwards & Sons, Inc., will move this Court before the Honorable Lewis A. Kaplan, United States District Judge for the Southern District of New York, at the U.S. Courthouse, 500 Pearl Street, New York, New York, as soon as counsel can be heard, pursuant to Federal Rule of Civil Procedure 12(b)(6), for an order dismissing the Consolidated Amended Complaint. By agreement of the parties, answering

papers shall be served and filed on or before December 7, 2009 and reply papers filed and served on or before January 8, 2010.

Dated: New York, New York
November 5, 2009

Respectfully submitted,

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